

The following is a timeline of pleadings relating to ComEd's judicial admissions under S. Ct. Rule 216:

DATE	PLEADING OR EVENT
2012 - May 2	LAZ files Formal Complaint opening Ill. C.C. Docket 12-0324.
2012 - July 16	LAZ serves ComEd with 1 st Set of Data Requests and Interrogatories
2012 - August 13	ComEd serves LAZ with response to 1 st Set of Data Requests and Interrogatories
2012 - August 24	LAZ serves ComEd with correspondence pursuant to S. Ct. Rule 201(k) and Commission Regulations 200.350 regarding issues on ComEd's discovery responses and offering to confer on any of three given dates to confer on and resolve such issues.
2012 - September 10	ComEd having failed to respond to LAZ's discovery response issues, wrote again to ComEd regarding same.
2012 - September 12	ComEd sends a response to LAZ letter of 10 September.
2012 - September 17	Because there still remain issues on ComEd's discovery responses, LAZ writes again to ComEd, citing S. Ct. R. 201(k) and Commission Regulation 200.350, offering to discuss these issues and suggesting specific possible dates.
2012 - October 4	ComEd fails or refuses to respond to LAZ's letter of 17 September.
2012 - October 5	LAZ serves ComEd with its First Set of Requests for Admission pursuant to S. Ct. R. 216.

2012 - October 31	ComEd serves LAZ with its responses to LAZ's Requests for Admission. Prior to this date, ComEd made no objection to any of the Requests for Admission. Five of the ROAs are admitted by ComEd.
2012 - November 12	LAZ files its Motion to Deem Admitted under Rule 216 on grounds that ComEd's responses failed to conform to that rule's requirements.
2012 - December 17	ComEd files its Response to LAZ's Motion to Deem Admitted. Among other things, ComEd argues that Rule 216 requests for admissions are not discovery tools and are improper in Commission proceedings.
2013 - January 11	LAZ files its Reply to ComEd's Response on the Motion to Deem Admitted.
2013 - June 10	ComEd files a Motion to Dismiss Complaint on the Merits
2013 - June 28	Oral argument held on Motion to Deem Admitted. Among other things, ComEd argues that: the ICC has never adopted S Ct R 216 (Tr. 53:7-11); ComEd fully responded to all of LAZ's ROAs (Tr. 64:13-17; 66:7-10;); Commission Regulations 200.410(c) controls over S. Ct R. 216 (Tr. 68:8-12); S Ct R 216 applies in the circuit court, but not in ICC proceedings (Tr. 69:19-22); ICC should resolve cases on substance, not on technicalities (Tr. 74:8-10); even if 216 applies, ComEd's responses are not deficient (Tr. 77:13-15); LAZ ROAs were not reasonable or grounded in fact (Tr. 96:7-9; 98:12-16) ; ROAs not made in good faith (Tr. 99:6-9); ICC rule only requires a rx in 28 days (Tr. 104:6-13).

2014 - February 13	ALJ Benn enters order granting LAZ's Motion to Deem Admitted, including specifically the ten ROAs that ComEd responded to in non-conformity with R 216. Specifically, LAZ's attempts to resolve discovery issues prior to the Motion to Deem Admitted were reasonable, and ComEd was not prejudiced by a lack of a R200.300 conference (2/13/14 Order, pg. 2); S Ct R 216 applies and is controlling in this matter under Commission Regulations 200.335 (2/13/14 Order , pg. 2-3) ; the sanctions under R216 apply in this matter (2/13/14 Order, pg. 3); S Ct R 183, regarding extending time for replies, does not apply to this matter, and the deficiencies in ComEd's responses are not technicalities (2/13/14 Order, pg 3); Vision Point of Sale does not support ComEd's position and is inapplicable (2/13/14 Order, pg 4).
2014 - February 27	ComEd files Motion to Reconsider ALJ Order of 2/13/2014. ComEd argues again that: R216 does not apply to ICC proceedings, and that, even if so, the ICC should allow more time under R183 to amend its responses.
2014 - March 27	LAZ files its Response to ComEd's Motion to Reconsider. LAZ argues that ComEd's motion does not cite any newly discovered evidence, any change in the law, nor any error in the ALJ's application of existing law, and merely repeats the same arguments made in its Response and at oral argument on 6/28/2013.
2014 - April 17	ComEd files its Reply to LAZ's Response to ComEd Motion to Reconsider 2/13/2014 ALJ Order.

2015 - March 9	<p>ALJ issues order denying ComEd Motion to Reconsider 2/13/2014 Order granting Motion to Deem Admitted. ALJ notes that ComEd “has not produced any new arguments to support their position that the Commission is expressly prohibited from using the Supreme Court Rules and the Code of Civil Procedure in this matter.” (Order 3/9/2015, pg. 3). “It does not appear that LAZ Parking tendered the Request to Admit to delay or frustrate the discovery process. Instead, responses to the Request to Admit or any discovery tools the parties chose to utilize would only serve to streamline the litigation process by clarifying or resolving issues as set forth by Section 200.335(b)(1).” (Order 3/9/2015, pg. 3). “The time for objecting to the Request of Admit was prior to ComEd having tendered its answers. Moreover, the opportunity to cure those answers should have taken place before the Complainant filed its Motion to Deem Certain Facts Admitted and the Respondent chose to file the present Motion to Reconsider. The Respondent’s request to cure its answers at this juncture is deemed to be waived as it would run afoul of the integrity of the fact-finding process or fairness to the parties pursuant to Section 200.340.” (Order 3/9/2015, pg. 4) The ALJ noted that ComEd continues to object to the application of S Ct R 216 and the Code of Civ Proc in ICC proceedings and yet continues to bring motions for extension of time and reconsideration under these same rules.</p>
2015 - April 30	<p>ComEd files it Amended Motion to Dismiss. Once again, ComEd argues that the admissions are “fatally incomplete” and “flawed” (pgs 14-18)</p>

2015 - June 30	<p>ComEd files its Motion for Summary Judgment. ComEd again repeats the same arguments against the application of R216 in ICC proceedings that the ALJ has already ruled on - twice. (MSJ, pgs. 2; 2, n.2; 24; 25-30;</p> <p>[While ComEd prophesied regulatory Gotterdammerun if the ROAs were deemed admitted (not for reconsideration), it now argued that they're all irrelevant]</p>
2015 - July 13	LAZ files its Motion to Strike Portions of ComEd Motion for Summary Judgment and Supporting Affidavits
2015 - July 24	ComEd files its Response to LAZ's Motion to Strike. ComEd claims that LAZ must offer support or background supporting the 216 admissions (pg. 5); use of R216 is unprecedented and LAZ fails to support it by any ICC order adopting it (pg. 5);
2015 - July 31	LAZ files its Reply to ComEd Response to Motion to Strike.
2015 - September 25	LAZ files its Response to ComEd's Motion for Summary Judgment. LAZ again pointed out how ComEd's Motion for Summary Judgment impermissibly placed its 216 judicial admissions in controversy (pgs. 10-11)
2015 - October 19	ComEd files its Reply to LAZ's Response to the Motion for Summary Judgment.
2015 - October 23	LAZ files a Motion to Strike Portions of ComEd's Reply to LAZ's Response to ComEd's Motion for Summary Judgment. As there stated, like a broken record, ComEd repeated all the arguments against its 216 admissions that were already fully briefed, litigated, heard on oral argument, ruled against by the ALJ, reconsidered, and once again ruled against by the ALJ.

2015 - November 6	ComEd files its Response to LAZ's 23 October Motion to Strike.
2015 - November 9	ALJ issues Order denying ComEd Motion for Summary Judgment
2016 - February 18	ComEd and LAZ file direct testimony.
2016 - March 4	LAZ files Motion in Limine regarding R216 admissions again placed in controversy by ComEd's direct testimony.
2016 - March 10	ComEd and LAZ file rebuttal testimony
2016 - March 11	LAZ files Second Motion in Limine regarding R216 admissions again placed in controversy by ComEd's rebuttal testimony.

Exhibit B

Timeline of ComEd's Repeated Rule 216 Re-Litigation